

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for the City Defendants
3 Gannett Drive
White Plains, NY 10604
(914) 323-7000
Attn: Peter A. Meisels (PM-5018)
Lalit K. Loomba (LL-9755)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
YIMI SOTO, : 07 Civ. 3726 (KMK)
Plaintiff, :
-against- :
THE CITY OF NEW ROCHELLE; POLICE OFFICER :
WEINERMAN, SHEILD #9792; POLICE OFFICER ARIAS, :
SHEILD #8951; POLICE OFFICER RIVERA, ALL :
INDIVIDUALLY AND AS POLICE OFFICERS, AND :
PATRICK J. CARROLL, AS POLICE COMMISSIONER OF :
NEW ROCHELLE, AND INDIVIDUALLY, AND THE :
COUNTY OF WESTCHESTER, :
Defendants. :
-----X

STATE OF NEW YORK)
) .ss:
COUNTY OF WESTCHESTER)

LALIT K. LOOMBA, being duly sworn deposes and says.

1. I am an associate with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendants City of New Rochelle, Marc Weinerman (s/h/a Police Officer Weinerman, Sheild #9792), Isabel Arias (s/h/a Police Officer Arias, Sheild #8951), Rafael Rivera (s/h/a Police Officer Rivera), and Patrick J. Carroll (collectively, the "Defendants"). I submit this affidavit in support of Defendants motion for summary judgment.

2. Annexed hereto as **Exhibit A** are relevant pages from the deposition of Yimy Soto, taken February 19, 2008.

3. Annexed hereto as **Exhibit B** is a copy the summons and complaint filed by plaintiff Yimy Soto ("Soto").

4. Annexed hereto as **Exhibit C** is a copy of the Order of this Court (Karas, J.) dated October 15, 2008.

5. Annexed hereto as **Exhibit D** is a "Notice of Dismissal" entered October 24, 2008.

6. Annexed hereto as **Exhibit E** are relevant pages from the examination of Soto pursuant to Section 5-h of the New York General Municipal Law taken February 13, 2007.

7. Annexed hereto as **Exhibit F** are relevant pages from the deposition of Marc Weinerman, taken February 27, 2008.

8. Annexed hereto as **Exhibit G** are relevant pages from the deposition of Isabel Arias, taken February 27, 2008.

9. Annexed hereto as **Exhibit H** are medical records pertaining to Soto from the Sound Shore Medical Center dated May 7, 2006.

10. Annexed hereto as **Exhibit I** is a copy of the booking sheet for Soto's arrest on May 7, 2006.

11. Annexed hereto as **Exhibit J** are relevant pages from the deposition of Gerard Danko, taken June 6, 2008.

12. Annexed hereto as **Exhibit K** is a copy of the desk appearance ticket issued to Soto on May 7, 2006.

13. Annexed hereto as **Exhibit L** is a copy of the misdemeanor information reflecting criminal charges lodged against Soto for the incident on May 7, 2006.

14. Annexed hereto as **Exhibit M** is a copy of the notice of claim filed by Soto on or about July 27, 2006.

15. Annexed hereto as **Exhibit N** are copies of subpoenas issued by the Westchester County District Attorney's Office to Officer Isabel Arias.

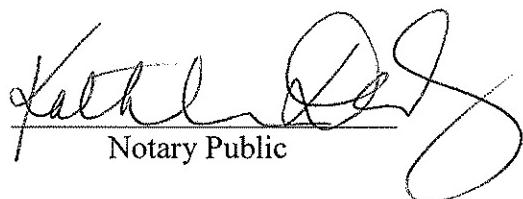
16. Annexed hereto as **Exhibit O** is a copy of Defendants' amended answer.

17. Annexed hereto as **Exhibit P** is a letter dated December 15, 2008 addressed to counsel for Soto enclosing a proposed stipulation. As of the date below, the undersigned has not received a signed copy of the stipulation or any other response to the letter.



Lalit K. Loomba

Sworn to before me this
31st day of December 2008



KATHLEEN A. DALY
Notary Public

KATHLEEN A. DALY
NOTARY PUBLIC, State of New York
No. 02DA8191854
Qualified in New York County
Commission Expires Aug. 25, 2012